

ESTTA Tracking number: **ESTTA168936**

Filing date: **10/16/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Family Clubhouse, Incorporated d/b/a i play		
Entity	Corporation	Citizenship	North Carolina
Address	2000 Riverside Drive, Unit 9 Asheville, NC 28804 UNITED STATES		
Attorney information	Steven C. Schnedler Carter & Schnedler, P.A. P.O. Box 2985 Asheville, NC 28802 UNITED STATES schnedler@ashevillepatent.com Phone:828.252.6225		

### Registration Subject to Cancellation

Registration No	2923675	Registration date	02/01/2005
Registrant	IPI ACQUISITION CORP. 75D LACKAWANNA AVENUE PARSIPPANY, NJ 07054 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 028. First Use: 2002/02/02 First Use In Commerce: 2002/02/02 All goods and services in the class are cancelled, namely: EDUCATIONAL TOYS, NAMELY, STACKING TOYS, RATTLES, BLOCKS, RINGS AND HAMMER AND PEG TOYS; BATH TOYS; PRETEND PLAY TOYS, NAMELY, PURSE AND MAKE UP SETS, FISHING REELS AND ROD AND FAKE FISH SETS, KITCHEN SETS, AND DOCTOR KITS; SAND BOX TOYS; WATER AND OUTDOOR TOYS, NAMELY, BUCKETS, SHOVELS, SAND MOLDS, SIEVES, SAND MILLS AND SQUIRT TOYS; SPORT TOYS, NAMELY, HULA HOOPS, JUMP ROPES, BASEBALL BAT AND BALL SETS AND SOCCER BALLS; GAMES, NAMELY, BOARD GAMES, CARD GAMES AND PLASTIC ACTION GAMES; PUZZLES, NAMELY, JIGSAW PUZZLES, MANIPULATIVE AND CUBE TYPE PUZZLES
---

### Grounds for Cancellation

Attachments	IPLAY-1-2_Petition for_Cancellation.pdf ( 4 pages )(59491 bytes )
Signature	/Steven C. Schnedler/
Name	Steven C. Schnedler
Date	10/16/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<hr/>		)	
FAMILY CLUBHOUSE, INCORPORATED	)	)	
d/b/a i play	)	)	
a North Carolina corporation,	)	)	
	)	)	Cancellation No. _____
Cancellation	)	)	
Petitioner,	)	)	
	)	)	
v.	)	)	Registration No. 2,923,675
	)	)	International Class 28
INTERNATIONAL PLAYTHINGS, INC.,	)	)	
a Delaware corporation,	)	)	
	)	)	
Registrant.	)	)	
<hr/>		)	

Asheville, North Carolina  
October 16, 2007

PETITION FOR CANCELLATION

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Attn: Trademark Trial and Appeal Board

Via ESTTA

Sir:

Cancellation Petitioner, Family Clubhouse, Incorporated  
d/b/a i play, a North Carolina corporation, located and doing  
business at 2000 Riverside Drive, Unit 9, Asheville, North  
Carolina 28804, believes that it will be damaged by Registration  
No. 2,923,675, and hereby petitions for cancellation of the same.

As grounds for this cancellation proceeding, it is alleged that:

(1) Cancellation Petitioner Family Clubhouse, Incorporated is the applicant in application Serial Nos. 78/791,447 and 78/791,467, and has been using the marks of application Serial Nos. 78/791,447 and 78/791,467 since February 8, 1996.

(2) Cancellation Petitioner Family Clubhouse, Incorporated filed application Serial Nos. 78/791,447 and 78/791,467 on January 13, 2006 as replacements for Reg. No. 2,115,786 which was granted November 25, 1997, but subsequently cancelled because an acceptable Section 8 Declaration had not been timely filed.

(3) In Office Actions mailed April 26, 2007, both application Serial Nos. 78/791,447 and 78/791,467 were finally refused by the trademark examining attorney under Section 2(d) of the Trademark Act on the asserted basis of likelihood of confusion with the mark of Reg. No. 2,923,675. Reg. No. 2,923,675 is based on application Serial No. 76/344,977 filed December 5, 2001 on an intent-to-use basis. A subsequent Statement of Use in then-application Serial No. 76/344,977 claimed a date of first use of February 2, 2002. Both dates December 5, 2001 and February 2, 2002 are subsequent to Cancellation Petitioner's February 8, 1996 date of use.

WHEREFORE, Cancellation Petitioner prays that Registration No. 2,923,675 be cancelled so that application

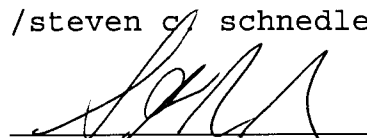
Serial Nos. 78/791,447 and 78/791,467 can proceed to  
registration.

Respectfully submitted,

FAMILY CLUBHOUSE, INCORPORATED  
d/b/a i play

By its Attorney

/steven c schnedler/

  
\_\_\_\_\_  
Steven C. Schnedler

Carter & Schnedler, P.A.  
56 Central Avenue, Suite 101 (28801)  
P.O. Box 2985  
Asheville, NC 28802  
Telephone: (828) 252-6225  
Email: [schnedler@ashevillepatent.com](mailto:schnedler@ashevillepatent.com)

C:\Docs\TMMISC\IPLAY-1,2 Petition for Cancellation.doc

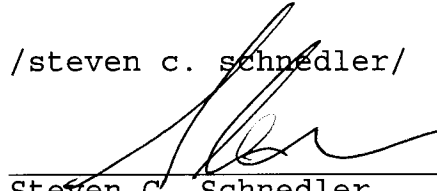
CERTIFICATE OF SERVICE

I hereby certify that the paper entitled PETITION FOR CANCELLATION has been served upon Registrant's Attorney of Record by depositing a copy thereof in First Class Mail, postage prepaid and properly addressed as follows:

Paul H Kochanski  
Lerner David Littenberg Krumholz & Mentlik, LLP  
600 South Avenue West, Suite 300  
Westfield, NJ 07090

This, the 16<sup>th</sup> day of October, 2007.

/steven c. schnedler/

  
\_\_\_\_\_  
Steven C. Schnedler  
Attorney for Cancellation Petitioner

Carter & Schnedler, P.A.  
56 Central Avenue, Suite 101 (28801)  
P.O. Box 2985  
Asheville, NC 28802  
Telephone: (828) 252-6225  
Email: [schnedler@ashevillepatent.com](mailto:schnedler@ashevillepatent.com)